

REMARKS

Status of the Claims

Claim 4 has been canceled.

Claims 1-3 and 5-7 are pending. Claims 1, 2 and 3 have been amended.

Claims 8-15 are withdrawn.

Claim Rejections – 35 USC § 112

Claims 1-7 were rejected under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the enablement requirement.

Without acquiescing to the rejection or the reasoning underlying the rejection, Claim 4 has been cancelled, Claims 1 & 3 have been amended to delete "prevention". Claims 1, 2 & 3 have been amended to recite specific metabolic dysfunctional disease or conditions in Markush group format. The amendments are fully supported by the specification as originally filed and do not add new matter. Specific support is at least in Claim 2 as filed and at the sentence bridging pages 5-6. It is respectfully submitted that the amendments moots the present rejection. Reconsideration and withdrawal of the rejection is requested.

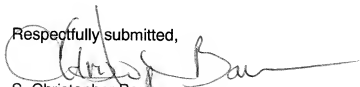
Claims 1-2 and 5 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without acquiescing to the rejection or the reasoning underlying the rejection, Claim 1 has been amended to recite specific MitoNEET polypeptides in Markush group format. The amendment is fully supported by the specification as originally filed and does not add new matter. Specific support for the MitoNEET polypeptide is at least at pages 11 and 12 (paragraph 39). It is respectfully submitted that the

amendment moots the present rejection. Reconsideration and withdrawal of the rejection is requested.

All amendments were made without prejudice and applicant specifically retains the right to pursue any subject matter no longer literally by the amended claims in one or more continuing applications. Further prosecution on the merits is requested. Therefore, swift passage of the application and claims to issue is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Christopher Bauer', written over the text 'Respectfully submitted,'.

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